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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/042,497

01/09/2002

James Irwin Knutson

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6741

7590

05/14/2004

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EXAMINER

NGUYEN, THU V

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,497	KNUTSON, JAMES IRWIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thu Nguyen	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

The amendment filed on May 11, 2004 has been entered. By this amendment, claims 1, 4-9, 12-21 have been amended, claims 22-29 are withdrawn from consideration, and claims 1-29 are now pending in the application.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekock et al (US 2002/0193938).

As per claim 1, 3, Dekock teaches a method of mapping a travel route based on starting point, destination and traffic conditions. The method comprises: receiving starting point and a destination (para 0071); receiving traffic information between the starting point and the destination (para 0071); storing the traffic information in a map database which also includes static route information (para 0073-0074); processing the traffic information and selecting travel route between starting point and the destination based on the traffic information (0071). Dekock does not explicitly teach receiving starting point and destination. However, Dekock teaches the

capability to determine the best route between the starting point and the destination point (para 0071), further, it would have been known that such the starting point and destination are normally inputted, Dekock obviously include teaching inputting such the starting and destination point. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the user to input the starting point and the destination point to the navigation device of Dekock in order to provide the user the best route navigation as desired by the user.

As per claim 2, Dekock teaches the capability of indicate frequency of traffic information (para 0088). Further, monitoring the frequency at which the receiver is capable of receiving traffic information would have been known.

As per claim 4-5, Dekock teaches analyzing traffic information relevant to a current route (para 0071). Further automatically recalculating traffic change on an interest route when a traffic change is detected would have been well known.

As per claims 6-8, Dekock teaches selecting travel route based on optimal time and outputting the route to a user in a visual display (para 0071; 0082). Further, allowing the user to select time or distance preferences, and outputting the route audibly would have been well known.

As per claim 9-21, refer to claims 1-8 above.

***Response to Arguments***

3. Applicant's arguments filed February 17, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument on page 10, first paragraph through page 12, Dekock teaches several embodiments in his invention. One embodiment is taught in paragraph 0071. In lines 1-4 of paragraph 0071, Dekock teaches that the computer system may calculate the best route such as the fastest between the starting and destination point based on current traffic. Although Dekock does not explicitly teach using static database to select such the best route, it has been very well known that to select the fastest or the best route between the starting and destination points, the computer must first access a map database to do such the selection. Using traffic information is just another criteria in selecting such the best route. One reference by Kozak et al (US 2003/0195694) cited in the last office action on November 20, 2003 clearly teaches that it is well known to determine the optimum road between two points using geographic information (static information) (Kozak lines 5-13 in paragraph 0002).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

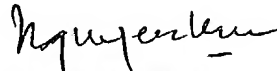
(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The  
examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this  
Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308-1111.



THU V. NGUYEN  
PRIMARY EXAMINER

May 11, 2004